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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,353	06/18/2001	Glenn R. Engel	10003415-1	2420

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AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
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EXAMINER

PATEL, NIKETA I

ART UNIT	PAPER NUMBER
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2181

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/884,353

Applicant(s)

ENGEL ET AL.

Examiner

Niketa I. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/14/2007 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 21-22, 29 and 33-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Carcerano et al. U.S. Patent No.: 6,308,205 B1 (hereinafter "*Carcerano*").

4. Referring to claims 21, 33, *Carcerano* teaches, in taking claim 21 as exemplary, a system, comprising: device [see figure 5, element 70] that is capable of performing at least one behavior according to a set of configuration data [see column 11, lines 38-63, configuration and column 1, lines 60-67 and column 2, lines 1-4] that provides a set of parameters that govern the behavior [see column 11, lines 38-63, configuration], the device generating an HTTP request [see column 7, lines 29-44, browser communicates with the server by using HTTP] on a

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communication network such that the HTTP request specifies a URL associated with the configuration data [see column 7, lines 29-44, browser communicates with the server by using HTTP – URL encoded request]; configuration server that responds to the HTTP request by generating an HTTP response [see column 7, lines 29-44, browser communicates with the server by using HTTP and column 11, lines 38-63, configuration] on the communication network such that the HTTP response carries the configuration data to the device [see column 7, lines 29-44; column 10, lines 25-47; column 11, lines 38-63 – configuration information.]

5. Referring to claim 22, 34, *Carcerano* teaches, in taking claim 22 as exemplary, wherein the configuration data includes a command and an associated set of parameters for the command which are to be interpreted and executed by a processor in the device [see column 7, lines 29-44; column 10, lines 25-47; column 11, lines 38-63 – configuration information.]

6. Referring to claim 29, *Carcerano* teaches further comprising a local network that enables communication among the device and a set of additional devices [see column 5, lines 46-51.]

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 23-26 and 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Carcerano* as applied to claims 21 and 33 above, and further in view of Devine et al. U.S Patent Application Publication No: 2005/0210296 A1 (hereinafter '*Devine*').

9. Referring to claims 23, 25, 35, 37, *Carcerano* teaches limitations set forth above however does not set for the limitations of wherein the HTTP request is an HTTP POST that includes a set of data associated with a periodic heartbeat of the device. *Devine* teaches collecting a heartbeat and an alarm data in order to determine the status of the device connected to the network [see *Devine* paragraphs 94, 132.]

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the device configuration system of *Carcerano* to be able to monitor status of the device by collecting a heartbeat and an alarm data. It is for this reason that one of ordinary skill in the art would have been motivated to collect data associated with heartbeat and an alarm data.

10. Referring to claims 24, 36, the combination of *Carcerano* and *Devine* teaches wherein the HTTP request is an HTTP POST that includes a set of data associated with an error detected by the device [see *Devine* paragraphs 94, 124, 131.]

11. Referring to claims 26, 38, the combination of *Carcerano* and *Devine* teaches wherein the HTTP request is an HTTP POST that the data includes a set of measurements obtained by the device [see *Devine* paragraphs 94, HTTP/POST; *Carcerano* column 14, lines 60-67, 'updates'.]

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12. Claims 27-28, 30-32, 39, 40, 41-42, are rejected under 35 U.S.C. 103(a) as being unpatentable over *Carcerano* as applied to claims 21 and 33 above, and further in view of Kobata et al. U.S. Patent Number: 6,591,367 (hereinafter referred to as "*Kobata*").

13. Referring to claims 27, 39, *Carcerano* teaches limitations set forth above, however does not set forth the limitation of wherein the configuration server sets a configuration pending indicator when the configuration data is received from a workstation. *Kobata* teaches this limitation [see *Kobata* column 4, lines 22-33.]

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the device configuration system of *Carcerano* for providing protection from unauthorized use of data by a system. It is for this reason that one of ordinary skill in the art would have been motivated to use configuration pending indicator to provide protection from unauthorized use of data by a system.

14. Referring to claim 28, the combination of *Carcerano* and *Kobata* teaches wherein the configuration server transfers the configuration data to the device in the HTTP response if the configuration pending indicator is set and transfers an acknowledgment to the device otherwise [see *Kobata* column 4, lines 22-33.]

15. Referring to claim 30, 40, 41, *Carcerano* teaches limitations set forth above, however does not set forth the limitation of wherein the HTTP response includes a configuration change message that indicates that a specified one of the additional devices has a set of pending configuration data on the configuration server. *Kobata* teaches this limitation [see *Kobata* column 4, lines 22-33.]

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One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the device configuration system of *Carcerano* for providing protection from unauthorized use of data by a system. It is for this reason that one of ordinary skill in the art would have been motivated to use configuration pending indicator to provide protection from unauthorized use of data by a system.

16. **Referring to claim 31**, the combination of *Carcerano* and *Kobata* teaches wherein the device transfers the configuration change message to the specified one of the additional devices via the local network [see *Carcerano* column 7, lines 29-44; column 10, lines 25-47; column 11, lines 38-63, updated configuration information.]

17. **Referring to claim 32, 42**, the combination of *Carcerano* and *Kobata* teaches wherein the specified one of the additional devices obtains the pending configuration data by transferring an additional request message to the configuration server via the communication network [see *Kobata* column 4, lines 22-33.]

Response to Arguments

18. Applicant's arguments with respect to claims 21-42 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (571) 272 4156. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571) 272 4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner



Niketa Patel

03/30/2007